



General Assembly

January Session, 2003

***Raised Bill No. 6567***

LCO No. 3585

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE AGE OF A CHILD FOR PURPOSES OF  
JURISDICTION IN JUVENILE MATTERS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 46b-120 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The terms used in this chapter shall, in its interpretation and in the  
4 interpretation of other statutes, be defined as follows:

5 (1) "Child" means any person under [sixteen] eighteen years of age  
6 and, for purposes of delinquency matters, "child" means any person  
7 (A) under [sixteen] eighteen years of age, or (B) [sixteen] eighteen  
8 years of age or older who, prior to attaining [sixteen] eighteen years of  
9 age, has violated any federal or state law or municipal or local  
10 ordinance, other than an ordinance regulating behavior of a child in a  
11 family with service needs, and, subsequent to attaining [sixteen]  
12 eighteen years of age, violates any order of the Superior Court or any  
13 condition of probation ordered by the Superior Court with respect to  
14 such delinquency proceeding;

15       (2) ["youth"] "Youth" means any person sixteen or seventeen years  
16 of age;

17       (3) ["youth in crisis"] "Youth in crisis" means any youth who, within  
18 the last two years, (A) has without just cause run away from the  
19 parental home or other properly authorized and lawful place of abode,  
20 (B) is beyond the control of parents, guardian or other custodian, or (C)  
21 has four unexcused absences from school in any one month or ten  
22 unexcused absences in any school year;

23       (4) ["abused"] "Abused" means that a child or youth (A) has been  
24 inflicted with physical injury or injuries other than by accidental  
25 means, or (B) has injuries that are at variance with the history given of  
26 them, or (C) is in a condition that is the result of maltreatment such as,  
27 but not limited to, malnutrition, sexual molestation or exploitation,  
28 deprivation of necessities, emotional maltreatment or cruel  
29 punishment;

30       (5) [a] A child may be found "mentally deficient" who, by reason of  
31 a deficiency of intelligence that has existed from birth or from early  
32 age, requires, or will require, for his protection or for the protection of  
33 others, special care, supervision and control;

34       (6) [a] A child may be convicted as "delinquent" who has violated  
35 (A) any federal or state law or municipal or local ordinance, other than  
36 an ordinance regulating behavior of a child in a family with service  
37 needs, (B) any order of the Superior Court, or (C) conditions of  
38 probation as ordered by the court;

39       (7) [a] A child or youth may be found "dependent" whose home is a  
40 suitable one for the child or youth, save for the financial inability of  
41 parents, parent, guardian or other person maintaining such home, to  
42 provide the specialized care the condition of the child or youth  
43 requires;

44       (8) ["family with service needs"] "Family with service needs" means

45 a family that includes a child who (A) has without just cause run away  
46 from the parental home or other properly authorized and lawful place  
47 of abode, (B) is beyond the control of parent, parents, guardian or  
48 other custodian, (C) has engaged in indecent or immoral conduct, (D)  
49 is a truant or habitual truant or who, while in school, has been  
50 continuously and overtly defiant of school rules and regulations, or (E)  
51 is thirteen years of age or older and has engaged in sexual intercourse  
52 with another person and such other person is thirteen years of age or  
53 older and not more than two years older or younger than such child;

54 (9) [a] A child or youth may be found "neglected" who (A) has been  
55 abandoned, or (B) is being denied proper care and attention,  
56 physically, educationally, emotionally or morally, or (C) is being  
57 permitted to live under conditions, circumstances or associations  
58 injurious to the well-being of the child or youth, or (D) has been  
59 abused;

60 (10) [a] A child or youth may be found "uncared for" who is  
61 homeless or whose home cannot provide the specialized care that the  
62 physical, emotional or mental condition of the child requires. For the  
63 purposes of this section, the treatment of any child by an accredited  
64 Christian Science practitioner in lieu of treatment by a licensed  
65 practitioner of the healing arts, shall not of itself constitute neglect or  
66 maltreatment;

67 (11) ["delinquent act"] "Delinquent act" means the violation of any  
68 federal or state law or municipal or local ordinance, other than an  
69 ordinance regulating the behavior of a child in a family with service  
70 needs, or the violation of any order of the Superior Court;

71 (12) ["serious juvenile offense"] "Serious juvenile offense" means (A)  
72 the violation, [by a child,] including attempt or conspiracy to violate,  
73 [sections] by a child of section 21a-277, 21a-278, 29-33, 29-34, 29-35,  
74 53-21, 53-80a, 53-202b [,] or 53-202c, sections 53-390 to 53-392, inclusive,  
75 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, or 53a-70 to  
76 53a-71, inclusive, section 53a-72b [,] or 53a-86, sections 53a-92 to

77 53a-94a, inclusive, section 53a-95, 53a-101, 53a-102a [.] or 53a-103a,  
78 sections 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a)  
79 of section 53a-122, subdivision (3) of subsection (a) of section 53a-123,  
80 section 53a-134, 53a-135, 53a-136a, 53a-166 [.] or 53a-167c, subsection  
81 (a) of section 53a-174 [.] or section 53a-196a, 53a-211, 53a-212, 53a-216  
82 or 53a-217b, or (B) running away, without just cause, from any secure  
83 placement other than home while referred as a delinquent child to the  
84 Court Support Services Division or committed as a delinquent child to  
85 the Commissioner of Children and Families for a serious juvenile  
86 offense;

87 (13) ["serious juvenile offender"] "Serious juvenile offender" means  
88 any child convicted as delinquent for commission of a serious juvenile  
89 offense;

90 (14) ["serious juvenile repeat offender"] "Serious juvenile repeat  
91 offender" means any child charged with the commission of any felony  
92 if such child has previously been convicted delinquent at any age for  
93 two violations of any provision of title 21a, 29, 53 or 53a that is  
94 designated as a felony;

95 (15) ["alcohol-dependent child"] "Alcohol-dependent child" means  
96 any child who has a psychoactive substance dependence on alcohol as  
97 that condition is defined in the most recent edition of the American  
98 Psychiatric Association's "Diagnostic and Statistical Manual of Mental  
99 Disorders"; and

100 (16) ["drug-dependent child"] "Drug-dependent child" means any  
101 child who has a psychoactive substance dependence on drugs as that  
102 condition is defined in the most recent edition of the American  
103 Psychiatric Association's "Diagnostic and Statistical Manual of Mental  
104 Disorders", [ . No] provided no child shall be classified as drug  
105 dependent who is dependent (A) upon a morphine-type substance as  
106 an incident to current medical treatment of a demonstrable physical  
107 disorder other than drug dependence, or (B) upon amphetamine-type,  
108 ataractic, barbiturate-type, hallucinogenic or other stimulant and

109 depressant substances as an incident to current medical treatment of a  
110 demonstrable physical or psychological disorder, or both, other than  
111 drug dependence.

112 Sec. 2. Subsection (a) of section 46b-121 of the general statutes is  
113 repealed and the following is substituted in lieu thereof (*Effective*  
114 *October 1, 2003*):

115 (a) Juvenile matters in the civil session include all proceedings  
116 concerning uncared-for, neglected or dependent children and youth  
117 within this state, termination of parental rights of children committed  
118 to a state agency, matters concerning families with service needs,  
119 contested matters involving termination of parental rights or removal  
120 of guardian transferred from the Probate Court, the emancipation of  
121 minors and youth in crisis, but does not include matters of  
122 guardianship and adoption or matters affecting property rights of any  
123 child, youth or youth in crisis over which the Probate Court has  
124 jurisdiction, provided appeals from probate concerning adoption,  
125 termination of parental rights and removal of a parent as guardian  
126 shall be included. Juvenile matters in the criminal session include all  
127 proceedings concerning delinquent children in the state and persons  
128 [sixteen] eighteen years of age and older who are under the  
129 supervision of a juvenile probation officer while on probation or a  
130 suspended commitment to the Department of Children and Families,  
131 for purposes of enforcing any court orders entered as part of such  
132 probation or suspended commitment.

133 Sec. 3. Subsection (c) of section 46b-127 of the general statutes is  
134 repealed and the following is substituted in lieu thereof (*Effective*  
135 *October 1, 2003*):

136 (c) Upon the effectuation of the transfer, such child shall stand trial  
137 and be sentenced, if convicted, as if he were [sixteen] eighteen years of  
138 age. Such child shall receive credit against any sentence imposed for  
139 time served in a juvenile facility prior to the effectuation of the  
140 transfer. A child who has been transferred may enter a guilty plea to a

141 lesser offense if the court finds that such plea is made knowingly and  
142 voluntarily. Any child transferred to the regular criminal docket who  
143 pleads guilty to a lesser offense shall not resume his status as a juvenile  
144 regarding said offense. If the action is dismissed or nolloed or if such  
145 child is found not guilty of the charge for which he was transferred or  
146 of any lesser included offenses, the child shall resume his status as a  
147 juvenile until he attains the age of [sixteen] eighteen years.

148 Sec. 4. Subsection (f) of section 46b-133c of the general statutes is  
149 repealed and the following is substituted in lieu thereof (*Effective*  
150 *October 1, 2003*):

151 (f) Whenever a proceeding has been designated a serious juvenile  
152 repeat offender prosecution pursuant to subsection (b) of this section  
153 and the child does not waive his right to a trial by jury, the court shall  
154 transfer the case from the docket for juvenile matters to the regular  
155 criminal docket of the Superior Court. Upon transfer, such child shall  
156 stand trial and be sentenced, if convicted, as if he were [sixteen]  
157 eighteen years of age, except that no such child shall be placed in a  
158 correctional facility but shall be maintained in a facility for children  
159 and youth until he attains [sixteen] eighteen years of age or until he is  
160 sentenced, whichever occurs first. Such child shall receive credit  
161 against any sentence imposed for time served in a juvenile facility  
162 prior to the effectuation of the transfer. A child who has been  
163 transferred may enter a guilty plea to a lesser offense if the court finds  
164 that such plea is made knowingly and voluntarily. Any child  
165 transferred to the regular criminal docket who pleads guilty to a lesser  
166 offense shall not resume his status as a juvenile regarding said offense.  
167 If the action is dismissed or nolloed or if such child is found not guilty  
168 of the charge for which he was transferred, the child shall resume his  
169 status as a juvenile until he attains [sixteen] eighteen years of age.

170 Sec. 5. Subsection (f) of section 46b-133d of the general statutes is  
171 repealed and the following is substituted in lieu thereof (*Effective*  
172 *October 1, 2003*):

173 (f) When a proceeding has been designated a serious sexual  
 174 offender prosecution pursuant to subsection (c) of this section and the  
 175 child does not waive the right to a trial by jury, the court shall transfer  
 176 the case from the docket for juvenile matters to the regular criminal  
 177 docket of the Superior Court. Upon transfer, such child shall stand trial  
 178 and be sentenced, if convicted, as if such child were [sixteen] eighteen  
 179 years of age, except that no such child shall be placed in a correctional  
 180 facility but shall be maintained in a facility for children and youth until  
 181 such child attains [sixteen] eighteen years of age or until such child is  
 182 sentenced, whichever occurs first. Such child shall receive credit  
 183 against any sentence imposed for time served in a juvenile facility  
 184 prior to the effectuation of the transfer. A child who has been  
 185 transferred may enter a guilty plea to a lesser offense if the court finds  
 186 that such plea is made knowingly and voluntarily. Any child  
 187 transferred to the regular criminal docket who pleads guilty to a lesser  
 188 offense shall not resume such child's status as a juvenile regarding  
 189 such offense. If the action is dismissed or nolle or if such child is  
 190 found not guilty of the charge for which such child was transferred,  
 191 the child shall resume such child's status as a juvenile until such child  
 192 attains [sixteen] eighteen years of age.

193 Sec. 6. Section 46b-146 of the general statutes is repealed and the  
 194 following is substituted in lieu thereof (*Effective October 1, 2003*):

195 Whenever any child has been found delinquent or a member of a  
 196 family with service needs, and has subsequently been discharged from  
 197 the supervision of the Superior Court or from the custody of the  
 198 Department of Children and Families or from the care of any other  
 199 institution or agency to whom he has been committed by the court,  
 200 such child, his parent or guardian, may file a petition with the Superior  
 201 Court and, if such court finds that at least two years or, in the case of a  
 202 child convicted as delinquent for the commission of a serious juvenile  
 203 offense, four years have elapsed from the date of such discharge, that  
 204 no subsequent juvenile proceeding has been instituted against such  
 205 child, that such child has not been found guilty of a crime and that

206 such child has reached [sixteen] eighteen years of age within such  
 207 period, it shall order all police and court records pertaining to such  
 208 child to be erased. Upon the entry of such an erasure order, all  
 209 references including arrest, complaint, referrals, petitions, reports and  
 210 orders, shall be removed from all agency, official and institutional files,  
 211 and a finding of delinquency or that the child was a member of a  
 212 family with service needs shall be deemed never to have occurred. The  
 213 persons in charge of such records shall not disclose to any person  
 214 information pertaining to the record so erased, except that the fact of  
 215 such erasure may be substantiated where, in the opinion of the court, it  
 216 is in the best interests of such child to do so. No child who has been the  
 217 subject of such an erasure order shall be deemed to have been arrested  
 218 ab initio, within the meaning of the general statutes, with respect to  
 219 proceedings so erased. Copies of the erasure order shall be sent to all  
 220 persons, agencies, officials or institutions known to have information  
 221 pertaining to the delinquency or family with service needs proceedings  
 222 affecting such child. Whenever a child is dismissed as not delinquent  
 223 or as not being a member of a family with service needs, all police and  
 224 court records pertaining to such charge shall be ordered erased  
 225 immediately, without the filing of a petition.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>

***Statement of Purpose:***

To increase the age limit of a child for purposes of jurisdiction in juvenile matters from under sixteen to under eighteen years.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*